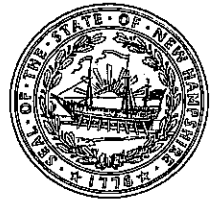




The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 19, 2009

The Honorable Martha Fuller Clark, Chairman  
Energy, Environment and Economic Development Committee  
Legislative Office Building, Room 102  
Concord, New Hampshire 03301

**Re: SB 134-FN, amending the Comprehensive Shoreland Protection Act to make technical changes to the CSPA**

Dear Chairman Fuller Clark:

Thank you for this opportunity to comment on SB 134, which would make a variety of technical adjustments to the Comprehensive Shoreland Protection Act (the CSPA) including revisions to the definition of the reference line on certain waters, removal of the dwelling unit density limits, the assignment of fine monies to the Wetlands and Shorelands Review Fund, and changes to permitting process requirements. The Department of Environmental Services (DES) supports this legislation with two minor amendments requested below.

DES requests that the proposed definition of reference line be changed to read "*(a) For all lakes, ponds, and artificial impoundments greater than 10 acres in size, the surface elevation as listed in the Consolidated List of Water Bodies as maintained by the department of environmental services.*" DES recommends the use of the Consolidated List of Water Bodies as a more accurate way to determine public waters regulated by RSA 483-B.

Finally, DES does not believe that now is an appropriate time to reallocate the disposition of proceeds of any civil actions or administrative fines from the General Fund to the Wetlands and Shorelands Review Fund and requests that that proposed language be removed from this legislation.

Thank you again for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Very truly yours,

*Michael Wales, Asst. Comm*  
for Thomas Burack  
Commissioner

cc: Representatives Borden, J. Day, and Grote